

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CALLAWAY GOLF COMPANY	)	
	)	
Plaintiff,	)	
v.	)	C.A. No. 06-91 (SLR)
	)	
ACUSHNET COMPANY,	)	<b>JURY TRIAL DEMANDED</b>
	)	
Defendant.	)	

**ACUSHNET COMPANY'S MOTION TO CERTIFY UNDER 28 U.S.C. § 1292(b)  
THE COURTS ORDER REGARDING STAYING  
LITIGATION PENDING *INTER PARTES* REEXAMINATION**

Defendant Acushnet Company ("Acushnet") hereby moves that this Court certify its order denying Acushnet's Motion to Stay Litigation Pending Inter Partes Reexamination by the U.S. Patent Office for interlocutory appeal pursuant to 28 U.S.C. § 1292(b), and that this Court stay this litigation pending the appeal. In support of this motion, Acushnet relies upon the accompanying memorandum of law and supporting exhibits. A proposed Order is attached.

Pursuant to Local Rule 7.1.1, counsel for Acushnet contacted counsel for Plaintiff. As of the time of this filing, Plaintiff had not communicated its position on this Motion.

Respectfully submitted,

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Dated: November 21, 2006

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Plaintiff,	)	
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ACUSHNET COMPANY,	)	<b>JURY TRIAL DEMANDED</b>
	)	
Defendant.	)	

**ORDER**

Upon consideration of Acushnet Company's Motion to Certify Under 28 U.S.C. § 1292(b) the Court's Order Regarding Staying Litigation Pending *Inter Partes* Reexamination, in the above-captioned case, and the parties' arguments thereon, it is hereby ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2006 that:

1. The motion of Defendant Acushnet Company to Certify Under 28 U.S.C. § 1292(b) the Court's Order Regarding Staying Litigation Pending *Inter Partes* Reexamination is GRANTED;
2. This Court will reissue the order denying Acushnet's Motion to Stay to include a certification pursuant to 28 U.S.C. §1292(b); and
3. This litigation is stayed pending resolution of the appeal of the denial of Acushnet's Motion to Stay.

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United States District Judge

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I, David E. Moore, hereby certify that on November 21, 2006, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading:

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